

## Article - Natural Resources

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§5–1004.

(a) (1) The lands between Viers Mill Road and Georgia Avenue described in the 1980 Highway Needs Inventory as the right-of-way reserved for the Rockville facility in Montgomery County, being owned by the State, shall be:

(i) Designated as the Matthew Henson State Park; and

(ii) Held by the State as a State park under the protection and administration of the Department.

(2) Matthew Henson State Park shall also include:

(i) The land identified in the Aspen Hill Master Plan as Significant Parcel 13, with the exception of any land that was the subject of a lease between any person and an agency of the State government on or before June 5, 2002; and

(ii) The State-owned land bordering on the northeast portion of Significant Parcel 13 in the Aspen Hill Master Plan.

(3) Except as provided in subsection (c) of this section, the Department shall exercise the same power of adopting regulations and managing Matthew Henson State Park as is done for any other State park.

(b) (1) Any land acquired under subsection (a) of this section is subject to all of the public general laws enacted by the General Assembly that are not inconsistent with this section. However, the provisions of this section prevail over any other State law enacted before July 1, 1989.

(2) If specifically authorized by an act of the General Assembly, a part of the Matthew Henson State Park may be used for transportation purposes.

(c) (1) Subject to the availability of local, State, or federal funds, including any necessary matching funds, and subject to the provisions of paragraph (2) of this subsection:

(i) A hiker/biker or other recreational trail may be constructed within Matthew Henson State Park; and

(ii) A public pavilion, named in honor of Senator Idamae Garrott, may be constructed within Matthew Henson State Park.

(2) Prior to the construction of a hiker/biker or other recreational trail or pavilion in Matthew Henson State Park, the Department of Natural Resources or other appropriate governmental agency shall:

(i) Review all studies concerning the environmental impact and trail alignment options prepared for the Montgomery County Planning Board;

(ii) Determine that construction, including the location and method of construction, is consistent with the environmentally sensitive nature of the Park and is in the public interest; and

(iii) Obtain the approval of the Montgomery County Planning Board, the Montgomery County Council, and the County Executive.

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